

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK KING,  
Plaintiff,

v.

WARDEN J. QUIGLEY, *et al.*,  
Defendants.

:  
:  
:

CIVIL ACTION NO. 18-CV-5312

FILED

FEB 01 2019

  
ORDER

AND NOW, this 31<sup>st</sup> day of January, 2019, upon consideration of *pro se* Plaintiff Derrick King's Amended Complaint (ECF No. 12) and Motion for Preliminary Injunction (ECF No. 13), it is **ORDERED** that:

1. The Amended Complaint is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. All of King's claims, with the exception of his claims concerning denial of legal phone calls, mattress restrictions, and the Defendants' actions regarding the allowance of retaliation, are **DISMISSED with prejudice**. King may file a second amended complaint with respect to those three claims, as set forth below.

2. King is given leave to file a second amended complaint within thirty (30) days of the date of this Order in the event he can state a plausible claim against an appropriate defendant or defendants regarding his claims concerning the denial of legal phone calls, mattress restrictions, and the allowance of retaliation against him. Any second amended complaint shall name all defendants in the caption of the amended complaint and should state how each defendant was responsible for violating King's rights. Any second amended complaint must be a complete document that does not rely on King's prior pleadings to state a claim. Any second

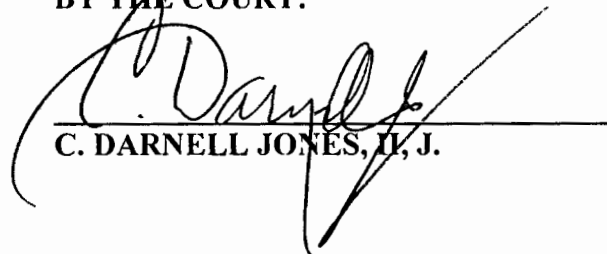
amended complaint should not reassert claims raised in King's other lawsuits, whether those claims are pending or have been dismissed. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED**.

3. The Clerk of Court is **DIRECTED** to send King a blank form complaint to be used by a prisoner filing a civil rights action bearing the civil action number for this case. King may use this form to prepare his second amended complaint.

4. King's Motion for Preliminary Injunction is **DENIED** at this time.

5. If King fails to file a second amended complaint, his case may be dismissed for failure to prosecute without further notice.

**BY THE COURT:**



C. DARNELL JONES, II, J.